

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROGER and ELISE MURRAY,

Plaintiffs,

v.

SOUTHERN ROUTE MARITIME, S.A.,  
*et al.*,

Defendants.

No. C12-1854RSL

ORDER GRANTING IN PART  
PLAINTIFF'S MOTION TO EXCLUDE  
EXPERT TESTIMONY

This matter comes before the Court on "Plaintiffs' Rule 37(c) Motion for Failure to Disclose." Dkt. # 36. Having reviewed the memoranda, declarations, and exhibits submitted by the parties, the Court finds as follows:

Pursuant to the case management schedule issued by the Court on February 28, 2013, and Fed. R. Civ. P. 26(a)(2), the parties were to disclose and provide reports on or before March 12, 2014, for "any witness [they] may use at trial to present" expert testimony. By operation of Fed. R. Civ. P. 26(a)(2)(D)(ii), "if the evidence is intended solely to contradict or rebut evidence" offered by another party's expert, the disclosures and reports were due on April 11, 2014. Defendants chose not to provide expert reports on March 12, 2014, and plaintiffs promptly moved to exclude the testimony of the three experts defendants identified. After the briefing in this matter closed, defendants timely provided rebuttal expert reports. Dkt. # 57.

ORDER GRANTING IN PART PLAINTIFF'S  
MOTION TO EXCLUDE EXPERT TESTIMONY

For all of the foregoing reasons, plaintiffs' motion to exclude expert witnesses is GRANTED in part and DENIED in part.

Dated this 23rd day of April, 2014.

Robert S. Lasnik  
United States District Judge